

REMARKS

Claims 1-20 are pending in the application. The Examiner has rejected claims 1-20. Applicant has amended claims 1-3, 11, 12, and 17 to more clearly define the present invention. Reconsideration of the above-identified application is respectfully solicited on behalf of the Applicant.

Objection to the Specification

The Examiner has objected to the abstract of the disclosure because it is too short. The Examiner raised the same objection in the first office action. In response to the Examiner's first office action, Applicant amended the abstract, which appeared on page 12 of Applicant's original specification, to include additional details regarding the present invention. Applicant believed that the abstract, which appeared on a separate sheet in the original specification, was amended in accordance with accepted procedures for adding and deleting text from the specification, and that the amended abstract overcame the Examiner's objection. However, in the present office action, the Examiner has indicated that the amended abstract must be submitted on a separate sheet. Applicant, therefore, has submitted with this response a separate sheet with the amended abstract. Applicant respectfully submits that the amended abstract as it appears on page 10 of Applicant's response overcomes the Examiner's objection.

Claim Rejections under 35 U.S.C. § 101

The Examiner has rejected claim 16 under 35 U.S.C. § 101 because the claimed subject matter is a federal agency. Applicant has canceled claim 16 and amended claim 17 to delete reference to the Internal Revenue Service. Applicant respectfully submits amended claim 17 overcomes the Examiner's rejections.

Claim Rejections under 35 U.S.C. § 112

The Examiner has rejected claims 2, 3, and 12 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended claims 2, 3, and 12 as suggested by the Examiner. Applicant respectfully submits that the amended claims overcome the Examiner's rejections.

The Examiner has further rejected claims 4-7 and 9-10 for failing to further limit the invention because there is no structure or apparatus in nature recited in these claims. In the first office action, the Examiner rejected the claims for the same reason. In response to the first office action, Applicant amended claim 4 to relate to an account for accepting an electronic funds transfer and claims 5-7 and 9-10 to relate to electronic tax return data. Applicant believed that the amended claims overcame the Examiner's rejections. However, the Examiner has maintained his rejections without clarification as to why the claim amendments in the response to the first office action were not sufficient to overcome the rejections. Applicant respectfully requests clarification with respect to the amended claims.

Claim Rejections under 35 U.S.C. § 103(a)

The Examiner has rejected claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over Longfield in view of Hagemier. It is the Examiner's position that it would be obvious to combine the tax refund system of Longfield with the credit card of Hagemier to obtain the present invention. The Examiner has also rejected the claims under 35 U.S.C. § 103(a) as being unpatentable over Longfield. It is the Examiner's position that a bank check issued by a financial institution is a spending vehicle. In addition, the Examiner has taken official notice with respect to the use of a spending vehicle such as a debit card or credit on a credit card, and accounts that are provided by any bank, credited by the amount of a return.

Applicant respectfully traverses the rejections. Applicant has amended claims 1 and 11 to clarify that the spending vehicles do not involve bank agreements. The spending vehicle is issued to a taxpayer in accordance with electronic tax return data comprising a tax refund amount. Applicant respectfully submits that Longfield and Hagemier references when combined and the Longfield reference alone cannot support the present rejections.

Longfield discloses a system for processing a bank loan application in conjunction with filing an electronic tax return so that an electronic deposit/loan account is created for the tax filer only at an authorized credit institution. The deposit/loan account that may be established for the taxpayer allows the taxpayer to obtain cash after entering into a loan agreement.

Hagemier discloses a credit card for tracking purchases to determine whether a value-added tax (VAT) is due to a taxing authority. Hagemier teaches only issuance of credit with respect to purchases that are subject to VAT. The Hagemier

card provides a convenient mechanism for tracking purchases and determining the amount of the purchaser's VAT obligation for each purchase. If no taxes are owed to the country from which the purchaser is departing, the purchaser may obtain a credit for the taxes that the purchaser has paid with each purchase. In Hagemier, the taxes are associated directly with purchases that may be made using the card or a credit card associated with the VAT card. The communication means that are used to complete the purchase transaction may be employed for tracking the VAT amount simultaneously. As a result, Hagemier does not teach or even suggestion that tax refunds unrelated to purchases may be associated in any way with the credit card. In addition, Hagemier does not teach or suggest use of different types of spending vehicles.

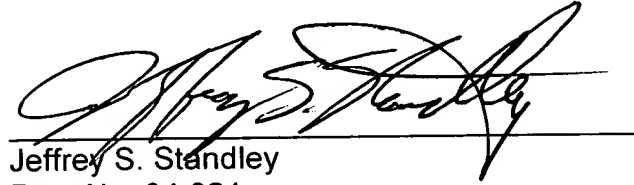
Although Longfield and Hagemier disclose systems for obtaining tax refunds or credits, Longfield and Hagemier in combination do not disclose a system or method by which a taxpayer may select a spending vehicle independent of a bank loan agreement in which the amount associated with the spending vehicle is based on electronic tax return data. In addition, Longfield alone does not teach or even suggest offering taxpayers spending vehicles. Applicant respectfully submits that the Longfield and Hagemier references cannot support the present rejections.

Applicant respectfully submits the above claim amendments and remarks overcome the Examiner's rejections. Applicant respectfully submits that claims 1 and 11 patentably define the present invention and that claims 2-10 and 12-15 and 17-20 which depend from claims 1 and 11 respectively further define the present invention and are allowable as written. In light of the above remarks, it is respectfully

submitted that the present application is now in condition for allowance and such action is earnestly requested.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION:

The abstract on page 12 of Applicant's specification has been amended as follows:

A tax refund system is disclosed in which in exchange for a taxpayer assigning all or a portion of his or her tax refund ~~due~~, a participating provider ~~will~~ provides to the taxpayer a spending vehicle ~~to the taxpayer which can~~ with buying power at participating outlets. Tax return data for a taxpayer is processed by the IRS. A taxpayer consents to using a portion of the tax return data to acquire a spending vehicle from a financial institution of the taxpayer's choosing. Using a portion of the tax return data, the IRS arranges to electronically transfer an amount related to the taxpayer's refund to an account at the financial institution selected by the taxpayer. A taxpayer then receives a spending vehicle such as a credit, debit, or cash card, spending account, coupon, or rebate from a financial institution or other spending vehicle provider such as a retailer, service provider, wholesaler, distributor, or entertainment entity.

IN THE CLAIMS:

The claims have been amended as follows:

1. (Twice Amended) A tax refund system, comprising:
electronic tax return data for a taxpayer, said tax return data comprising a tax refund amount;

an assignment of at least a portion of said tax refund amount to a spending vehicle provider;

an account for accepting an electronic transfer of said at least a portion of said tax refund amount, said account established in accordance with said assignment; and

a spending vehicle issued by said spending vehicle provider independent of a bank loan agreement on behalf of said taxpayer in an amount related to said at least a portion of said tax refund amount.

2. (Twice Amended) The system of claim 1, wherein said spending vehicle ~~consists~~ is consisting of one of the following: a credit card, debit card, gift card, cash card, checking card, checking account, coupon, voucher, rebate certificate, discount, discount certificate, spending account, electronic spending account, and e-wallet.

3. (Twice Amended) The system of claim 1, wherein said spending vehicle provider ~~consists~~ is consisting of one of the following: a government entity, product retailer, wholesaler, distributor, manufacturer, service provider, publisher, travel entity, entertainment entity, financial institution, insurance institution, brokerage institution, global computer network and online business, publisher, and a consortium of companies.

11. (Twice Amended) A method of providing a tax refund amount to a taxpayer, comprising:

obtaining electronic tax return data, said tax return data comprising a tax refund amount;

• assigning at least a portion of said tax refund amount to a third party selected
by said taxpayer;

transferring said at least a portion of said tax refund amount to an account for
said third party; and

providing a spending vehicle independent of a bank loan agreement to said
taxpayer in an amount related to the tax refund amount assigned to said third party.

12. (Twice Amended) The method of claim 11, wherein said spending vehicle
~~consists~~ is consisting of one of the following: a credit card, debit card, checking card,
electronic account, coupon, voucher, rebate certificate and store account.

17. (Twice Amended) The method of claim 11, wherein said tax return data is
obtained from ~~an Internal Revenue Service~~ a federal taxing authority form.

ABSTRACT

A tax refund system is disclosed in which in exchange for a taxpayer assigning all or a portion of his or her tax refund, a participating provider provides to the taxpayer a spending vehicle with buying power at participating outlets. Tax return data for an individual's tax return is processed by the IRS. A taxpayer consents to using a portion of the tax return data to acquire a spending vehicle from a financial institution of the taxpayer's choosing. Using a portion of the tax return data, the IRS arranges to electronically transfer an amount related to the taxpayer's refund to an account at the financial institution selected by the taxpayer. A taxpayer then receives a spending vehicle such as a credit, debit, or cash card, spending account, coupon, discount, or rebate from a financial institution or other spending vehicle provider such as a retailer, service provider, wholesaler, distributor, or entertainment entity.